
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

EDWARD G. HUNTER,

Plaintiff,

v.

HCA; MountainStar Healthcare; Columbia
Ogden Regional Medical Center, dba Ogden
Regional Hospital; Mark Admas; Brian Lines;
Mindy Boehm; Board of Trustees; Ed
Ehrenberger; Carla Taylor; Steve Kier; Vicky
McCall; Dann Byck; Keith Hancett; Jeff
Stephens; Yasemeen Simonian; John
Hemmersmeier; Don Cazel; Patrick Willis;
John Diemel; and Danielle Ihler,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 1:17-cv-0060-JNP-DBP

District Judge Jill N. Parrish
Magistrate Judge Dustin B. Pead

This matter is before the court on Defendants' Motion for Summary Judgment.¹ On January 28, 2019, Magistrate Judge Dustin B. Pead issued a Report and Recommendation recommending that the court grant Defendants' Motion for Summary Judgment, moot the Motion to Dismiss, deny Plaintiff's request to amend, and enter judgment in favor of Defendants and against Plaintiff.

The Report and Recommendation advised Plaintiff that pursuant to Fed. R. Civ. P. 72(b)(2), a failure to object within 14 days of service of the Report and Recommendation could result in a waiver of any objections. Plaintiff's objections were due on February 11, 2019. But

¹ Defendants filed a Motion to Dismiss on March 21, 2018 (ECF No. 37). On September 11, 2018, Magistrate Judge Pead converted the Motion to Dismiss into a Motion for Summary Judgment and ordered a revised briefing schedule. In response, Defendants filed the present Motion for Summary on October 15, 2018 (ECF No. 51). The Motion was fully briefed on December 3, 2018.

Plaintiff did not object and has therefore waived his objections that the Report and Recommendation was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996).

The court does note that the court need not apply the waiver rule as a procedural bar if “the interests of justice so dictate.” *Id.* (quoting *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991)). But having reviewed the Report and Recommendation and its conclusion that the Defendants’ motion should be granted, the court concludes that the Report and Recommendation is not clearly erroneous and finds that the interests of justice do not warrant deviation from the waiver rule.

The court, therefore, **ADOPTS IN FULL** the Report and Recommendation issued by Judge Pead and **GRANTS** Defendants’ Motion for Summary Judgment (ECF No. 51). Defendants’ Motion to Dismiss is therefore moot (ECF No. 37). Judgment shall be entered for Defendants and against Plaintiff on all claims.

Signed February 12, 2019

BY THE COURT



Jill N. Parrish
United States District Court Judge